

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

NOV 20 2007

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LEVITON MANUFACTURING CO., INC.,)

Plaintiff,)

v.)

ZHEJIANG DONGZHENG ELECTRICAL CO.,)
HARBOR FREIGHT TOOLS USA, INC.,)
NICOR INC. d/b/a NICOR LIGHTING &)
FANS, CENTRAL PURCHASING, LLC,)

Defendants.)

MATTHEW J. DYKMAN
CLERK

CIV. NO. 05-0301-JB/DJS

ORDER

Upon consideration of the "Agreed Motion to Dismiss Claims and Counterclaims Under Fed. R. Civ. P. 41(a)(2)" by Plaintiff, Leviton Manufacturing Co., Inc. and defendants, Zhejiang Dongzheng Electrical Co., n/k/a General Protecht Group, Inc., Nicor, Inc. d/b/a Nicor Lighting & Fans, Harbor Freight Tools USA, Inc. and Central Purchasing, LLC, the Court hereby grants the Motion as follows:

Subject to and expressly conditioned on the terms and conditions of the Settlement Agreement between the parties, Plaintiff's claims for infringement are dismissed with prejudice; Defendants' counterclaims for invalidity and non-infringement are dismissed with prejudice; and Defendants' counterclaims for unenforceability due to inequitable conduct are dismissed without prejudice.

Dated: _____

11/20/07


United States District Judge

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